

ARKANSAS SENATE
84th General Assembly - Regular Session, 2003
Amendment Form

JBC 04/01/03 (1)

Subtitle of Senate Bill No. 284

"AN ACT FOR THE ARKANSAS STATE BUILDING SERVICES APPROPRIATION FOR
THE 2003-2005 BIENNIUM."

Amendment No. 1 to Senate Bill No. 284.

Amend Senate Bill No. 284 as originally introduced:

Insert additional sections immediately following SECTION 14 to read as follows:

" SECTION 15. FACILITIES MANAGEMENT CONTINGENCY APPROPRIATION. There is hereby appropriated, to the Arkansas State Building Services, to be payable from revenues collected and transferred to the Arkansas State Building Services for any program as set out in Section 17 of this Act, as designated by the Chief Fiscal Officer of the State, for use in responding to the infrastructure needs of Arkansas State Government, for the biennial period ending June 30, 2005, the sum of\$250,000.

SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STATE BUILDING SERVICES CONTINGENCY APPROPRIATION TRANSFER AUTHORITY. The Arkansas State Building Services may transfer appropriation and funds as needed from the Facilities Management Contingency Appropriation in Section 15 of this Act to any appropriation authorized for the Arkansas State Building Services for the 2003-05 biennium. The provisions of this section shall be in effect only from July 1, 2003 through June 30, 2005.

SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER TO FACILITIES MANAGEMENT CONTINGENCY APPROPRIATION AUTHORITY. (a) In order to provide a more cost effective method to address the emerging infrastructure needs of Arkansas State Government, appropriations and funds transferred to the Facilities Management Contingency Appropriation are to be used in the event that the Arkansas State Building Services executes one or more building contracts or maintenance agreements with State Agencies, and the appropriations or funds otherwise provided for the Arkansas State Building Services are not sufficient to address those needs, and it is more cost effective for the Arkansas State Building Services to execute these services. Any State Agency may transfer or deposit funds and appropriations to the



Arkansas State Building Services - Facilities Management Contingency
Appropriation authorized in Section 15 of this Act to execute one or more
building contracts or maintenance agreements with said State Agencies. The
Arkansas State Building Services shall provide justification to the Chief
Fiscal Officer of the State for the need of such appropriations and funds
transfers and seek and receive approval of the Chief Fiscal Officer of the
State. Arkansas State Building Services shall then seek and receive the
approval of the Arkansas Legislative Council or Joint Budget Committee. The
requirement of approval by the Arkansas Legislative Council or Joint Budget
Committee is not a severable part of the section. If the requirement of
approval by the Arkansas Legislative Council or Joint Budget Committee is
ruled unconstitutional by a court of competent jurisdiction, this entire
section is void.

(b) The Chief Fiscal Officer of the State shall make the necessary
adjustments on his or her books and the books of the Auditor of the State for
the transfer or deposit of the funds and appropriations from each State
Agency to the appropriation authorized in Section 15 of this Act and to the
various Arkansas State Building Services accounts to be used exclusively by
the Arkansas State Building Services for each fiscal year of the 2003-2005
biennium. The provisions of this section shall be in effect only from July
1, 2003 through June 30, 2005.

SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. POSITION POOL.
To address the emerging infrastructure needs of Arkansas state government,
the Arkansas State Building Services shall establish and maintain for the
2003-2005 biennium a pool of twenty (20) classified positions, payable from
funds appropriated herein for such purposes. These positions are to be used
in the event the Arkansas State Building Services executes one or more
building contracts or maintenance agreements with state agencies, and the
number and level of positions regularly authorized for the Arkansas State
Building Services are not sufficient to address these needs. The Arkansas
State Building Services shall provide justification to the Department of
Finance and Administration's Office of Personnel Management (OPM) for the
need to allocate titles from this position pool. No classifications will be
assigned to the pool until such time as specific positions are requested and
justified by the Arkansas State Building Services, recommended by OPM and
approved by the Arkansas Legislative Council. The Arkansas State Building
Services may transfer positions from this pool to any appropriation/pay
schedule the agency currently maintains or any appropriation/pay schedule the
agency receives for the 2003-2005 biennium. If the agency requests
continuation of a "Growth Pool" position(s) as established herein during the
next biennium, the position(s) must be requested as a new position(s) in the
agencies biennial budget request. Determining the number of personnel to be
employed by a state agency is the prerogative of the General Assembly and is
usually accomplished by delineating the maximum number of personnel by
identifying job titles and the maximum grade or salary attached to those
titles. The General Assembly has determined that the Arkansas State Building
Services could be operated more efficiently if some flexibility is given to
that agency. That flexibility is being accomplished by providing growth
pools as in the section and since the General Assembly has granted the agency
broad powers under the growth pool concept, it is both necessary and

appropriate that the General Assembly maintain oversight of the utilization of the growth pool by requiring prior approval of the Legislative Council in the utilization of the growth pool. Therefore, the requirement of approval by the Legislative Council is not a severable part of this section. If the requirement of approval by the Legislative Council is ruled unconstitutional by a court of competent jurisdiction, this entire section is void."

And appropriately renumber subsequent section numbers.

The Amendment was read the first time, rules suspended and read the second time and _____

By: Joint Budget Committee

KCS/KCS - 040220031148

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Secretary